



January 7, 2011

Ms. Carole Cifrino
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333

Subject: Comments to “Implementing Product Stewardship in Maine” Report, December 2010

Dear Ms. Cifrino:

The Society of the Plastics Industry is a diverse trade association representing the entire plastics industry supply chain, including processors, machinery and equipment manufacturers and raw materials suppliers. In Maine, the plastics industry is responsible for more than 110,000 jobs. The average wage of an industry employee is greater than \$37,000 excluding benefits, with a direct payroll of \$111 million and plastics dependent industries adding another \$2.9 billion to the state’s payroll.¹

The purpose of this letter is to provide comments to the Department of Environmental Protection (DEP) on its report, “Implementing Product Stewardship in Maine” which was issued in December 2010 as required by L.D.1631 which was signed into law last March. DEP will provide this report and all comments received to the legislature’s Joint Standing Committee on Natural Resources by January 15, 2011. The Joint Standing Committee, after evaluating the merits of both DEP’s report and the comments received, will then determine whether or not the recommendations put forth by DEP make good environmental and economic policy for Maine and whether to proceed with legislation implementing some or all of the recommendations. While we appreciate the efforts of the Department in compiling this report, we believe much more research and outreach to interested parties must be conducted in order to achieve balanced recommendations for future stewardship programs.

As defined by the U.S. Environmental Protection Agency (EPA), the issue of product stewardship, not extended producer responsibility, is a product centered approach to environmental protection. It calls on those in the product lifecycle - manufacturers, retailers, users, and disposers - to share responsibility for reducing the environmental impacts of products.²

¹ Sources: Bureau of Labor Statistics, Harris InfoSource, Moore Economics, Probe Economics; www.plasticsdatasource.org 2008

² U.S. Environmental Protection Agency, Wastes Program – Product Stewardship; <http://www.epa.gov/osw/partnerships/stewardship/>



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However, government mandated extended producer responsibility programs ignore market-driven recycling programs which are the most efficient means to collecting and reusing product materials at the end of a products useful life-cycle. Mandated programs create inefficiencies and stifle innovation and competitiveness versus market driven programs which are key to addressing end-of-life collection and job creation.

Product manufacturers have a responsibility to ensure that their product creates the least impact on human health and the environment while ensuring performance and being cost effective for the consumer. Consumers play a large role in driving the design and use of products, as products come to market in order to satisfy consumer demand. Stewardship responsibility for a product's life-cycle rests with not only the manufacturers but also distributors, retailers, consumers, waste management companies and local government.

The report's recommendations appear to be costly mandates at a time when the economy is struggling and stubborn unemployment rates remain high. Elements in the report's summary and background information assume job growth from these government mandated programs, yet no numbers are put forth. The report assumes there will be savings from these mandated programs, yet no estimates are given. Additionally, there will be costs associated with the programs recommended, yet no specifics are made known. The lack of specificity on the true impact and outcomes of these recommendations raises questions about the source materials used by the Department to compile the report. The process undertaken to arrive at this report lacked a series of transparent public hearings inclusive of all interested and impacted stakeholders.

There is also lack of recognition in the report of energy conservation, source reduction, use of renewable materials or waste minimization options as opposed to mandated take-back programs. Market based stewardship programs prevent the generation of waste to begin with followed by a hierarchy of reducing, reusing, recycling, energy recovery, proven degradation in an intended application and lastly safe disposal in a landfill.

Again, we appreciate your efforts in compiling this report but firmly believe that what is being proposed is not a product stewardship program but a mandated program that does not realize the cost and environmental benefit envisioned by a legitimate product stewardship program.

Respectfully,

A handwritten signature in cursive script that reads "Jane A. Adams".

Jane A. Adams
Senior Director, State Government Affairs

SPI Comments to Maine

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cc: Senator Thomas B. Saviello, Environment & Natural Resources Committee
Representative James M. Hamper, Environment & Natural Resources Committee
Representative Robert S. Duchesne, Environment & Natural Resources Committee
Senator Jonathan T. E. Courtney, Regulatory Fairness & Reform Committee
Representative Jonathan B. McKane, Regulatory Fairness & Reform Committee